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Alexandria, VA 22304

JUN 27 2005

TECHNOLOGY CENTER 3600

In re Application of	:	DECISION ON PETITION
Joel F. Plotkin	:	REQUESTING DIRECTOR TO
Application No. 09/513,960	:	VACATE OFFICE ACTION
Filed: February 28, 2000	:	
Attorney Docket No.: EJOU0010U/US	:	
For: PROCESS FOR COMPUTER	:	
IMPLEMENTED MANUSCRIPT REVIEW	:	

Applicant's petition under 37 C.F.R. 1.181 filed February 08, 2005 requests to have the final Office action mailed on December 16, 2004 vacated and have the examiner respond to the appeal brief filed August 22, 2003.

The petition is **DENIED**.

A petition under 37 CFR 1.181 must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. There is no fee required for a 1.181 petition.

The petition filed on February 08, 2005, included both elements (1) and (2) above.

The file history indicates the following.

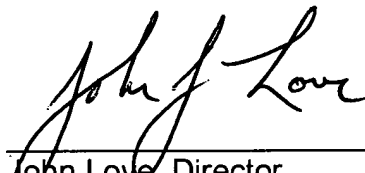
1. Second non-final Office action was mailed on May 07, 2003.
2. Applicant filed an amendment and appeal brief on August 22, 2003 in response to the second Office action.
3. Examiner mailed a final Office action on December 16, 2004. The final Office action included a new 35 USC 101 rejection and a new 35 USC 103 rejection. The new rejections were required because of the amendments to the claims filed on August 22, 2003.
4. Applicant filed a notice of appeal on March 15, 2005 and appeal brief on May 16, 2005.

Therefore, the appeal brief filed on August 22, 2003 is moot and cannot be responded to because the appeal brief fails to address the current rejections of record.

The application will be forwarded to the examiner to respond to the appeal brief filed on May 16, 2005.

Any questions concerning his decision should be directed to Supervisory Patent Examiner John Weiss at (571) 272-6812.

**SUMMARY:** The petition is **DENIED.**

A handwritten signature in black ink, appearing to read "John Love", is written over a horizontal line.

John Love, Director  
Patent Technology Center 3600  
Telephone: (571) 272-5250